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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,857	06/19/2000	THOMAS A BERSON	XERIP015	4200

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XEROX CORPORATION
100 CLINTON AVE S, XEROX SQ
20 TH FLOOR
ROCHESTER, NY 14644

EXAMINER

CHEUNG, MARY DA ZHI WANG

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/596,857

Applicant(s)

BERSON ET AL.

Examiner

Mary Cheung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In view of the appeal brief filed on November 8, 2004, PROSECUTION IS HEREBY REOPENED. New grounds rejections are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Drawings

2. The correction drawing was received on June 21, 2004. This drawing is Figure 1B.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 9, 11-13, 15-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, U. S. Patent 6,078,663 in view of Driscoll, III et al., U. S. Patent 6,044,405.

As to claim 1, Yamamoto teaches a method for pricing a cryptographic service on a network utilizing one or more cryptoservers, comprising (abstract):

- (a) Receiving a request for the cryptographic service from a user utilizing the network, wherein the request is received by a cryptographic service provider (column 16 lines 20-22, 42-67);
- (b) Generating a contract based on a variable pricing scheme in response to the request (column 16 lines 23-31);
- (c) Sending the contract from the cryptographic service provider to the user utilizing the network (column 16 lines 23-41);
- (d) Receiving, by the cryptographic service provider, information from the user (column 16 lines 20-37 and Figs. 4, 11).
- (e) Delivering the cryptographic service using the one or more cryptoservers to satisfying the contract (column 16 lines 20-37 and column 23 line 1 – column 24 line 15).

Yamamoto does not specifically teach applying the cryptographic service to the information (abstract and column 16 lines 20-41 and Figs. 4, 11). However, this matter is taught by Driscoll as the service provider applies cryptographic service (i.e. encryption) to the information sent by the user (column 9 lines 41-65 and Fig. 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow Yamamoto's teaching to include the feature of applying the cryptographic service to the information sent by the user as taught by Driscoll for securing the information sent by the user.

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As to claim 2, Yamamoto teaches the cryptographic service provider selects one of the one or more cryptoservers to perform the cryptographic service (column 4 lines 14-21 and column 37 lines 39-48 and Fig. 42).

As to claim 3, the cryptographic service provider is a commercial service compete for customers is taught by Yamamoto as the plurality of cryptoservers are commercial services, each cryptoserver provides different feature to meet customer's best interest (column 37 line 39 – column 38 line 63 and Fig. 42).

As to claim 4, Yamamoto teaches the one or more cryptoservers is part of a single distributed service (Fig. 42).

As to claim 5, Yamamoto teaches the variable pricing scheme is based on at least one of: a data load of the one or more cryptoservers during performance of the cryptographic service, a distance between the one or more cryptoservers and the user, a congestion of the network during performance of the cryptographic service, and a rating of the one or more cryptoservers performing the cryptographic service (column 2 lines 44-53 and column 3 line 55 – column 4 line 4 and column 11 line 45-59 and column 55 lines 25-28).

As to claim 9, Yamamoto teaches the cryptographic service provider is a one of the one or more cryptoservers (abstract and Figs. 4, 11).

Claims 11-13, 15-19 and 23 are rejected for the similar reasons as claims 1-5 and 9.

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5. Claims 6-8, 14, 20-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, U. S. Patent 6,078,663 in view of Driscoll, III et al., U. S. Patent 6,044,405, and in further view of Coyle, U. S. Patent 6,269,157.

As to claims 6-8, Yamamoto modified by Driscoll teaches variable pricing scheme for cryptographic service as discussed above. As to claim 24, Yamamoto teaches the cryptographic service is conducted securely as a cryptographic protocol by one or more cryptoserver (column 3 lines 55-58 and Fig. 9). As to claims 6-8 and 24, Yamamoto modified by Driscoll does not specifically teach the variable pricing scheme is auction-based. However, Coyle teaches providing an auction for bidding on telecommunication service (abstract and column 9 lines 14-16 and Fig. 26). It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the variable pricing scheme of Yamamoto modified by Driscoll to be auction-based as taught by Coyle because it would allow user of Yamamoto modified by Driscoll to bargain for the best price on cryptographic service.

Claims 14 and 20-22 are rejected for the similar reasons as claims 6-8.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto, U. S. Patent 6,078,663 in view of Driscoll, III et al., U. S. Patent 6,044,405, and in further view of Schneier et al., U. S. Patent 5,956,404.

As to claim 10, Yamamoto modified by Driscoll teaches the cryptographic service provider provides a receipt upon performing the cryptographic service, wherein the receipt includes the time and duration of the computations, a description of the computation and the identities of the one or more cryptoservers and the customer

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(Yamamoto: column 1 line 26-32 and column 8 line 65 – column 9 line 23 and Figs. 39-42, 46-49). Yamamoto modified by Driscoll does not explicitly teach the receipt includes at least one of one-way hash of the results of its computations. However, Schneier teaches using well-known one-way hash for securely transmit information (abstract and column 1 line 66 – column 2 line 4). It would have been obvious to one of ordinary skill in the art at the time of the invention to include the well-known one-way hash function in the method of Yamamoto modified by Driscoll for securely providing the cryptographic service.

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Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (703)-305-0084. The examiner can normally be reached on Monday – Thursday from 8:00 AM to 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (703) 305-9768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(703) 872-9306 (Official Communications; including After Final
Communications labeled "BOX AF")

(703) 746-5619 (Draft Communications)

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Mary Cheung
Patent Examiner
Art Unit 3621
January 12, 2005

